

not one of those rights that forms the basis of a society.

However, within these past few months we have decided that this protection is one of the rights that forms the basis of our orderly society of Maryland.

This right against double jeopardy does not, apart from this one subsection that I propose to strike, depend upon the learning of the judge that sits before you, the ability of the judge, the level of court, or any of these other matters. The concept is whether or not you are going to be put twice in jeopardy in criminal punishment.

I suggest that recognizing the reason for the concept, recognizing the reasons that have compelled us to put this provision into this constitution, there is no justification for delaying the enforcement of this right.

This paragraph is part of the section that has three paragraphs dealing with three matters that we have decided upon. Sub-sections A and C are delayed, and I believe, for good reason—to give the General Assembly some time to determine what the impact of these provisions will be, and to prepare for that impact.

This reason for delay does not apply at all to subsection B. I am quite sure it is not contemplated that the General Assembly will do anything. It is not expected to do anything. We are not trying to make it do anything to prepare for the impact of this change. Consequently, the reasons applicable to the delay in the other rights does not apply here.

Now, the State does not have a vested right, either a property right or any other kind of right in being able to subject people to double jeopardy. Consequently, we are not preserving any right of the State by delaying the effectiveness of this provision.

Finally, I just want to read one sentence from the report of the Committee on Personal Rights when it recommended that we adopt this provision as part of our Bill of Rights. The last sentence said: This recommendation is intended to terminate the State's right of appeal from magistrate courts.

I urge the Convention to do what the Personal Rights Committee told us it wanted to do, and to terminate it and terminate it right away.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, I find myself agreeing with Delegate Chabot, but perhaps not for the same reasons that he has enumerated. I thought he was going to call our attention to the recent statute which abolishes the right of the State to appeal in these cases before the justices of the peace in criminal matters, but he did not. Nevertheless this is a fact. The reason this is in here is only a matter of clarity. It is not very important. The statute which was passed in the last session of the legislature and became effective on June 1, eliminated appeals by the State in criminal matters before the justices of the peace, but it does not eliminate motor vehicle cases. We did not know quite what that meant. We felt that was still a criminal matter. July 1, 1968, is when the new constitution would take effect, so we are not making any real changes.

I have no objection to it being taken out. Maybe we were superabundantly careful. It makes no great difference and I believe that if the Committee of the Whole wants to eliminate it, it could. We are just arguing about specks.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: The Committee on Transitional Provisions has no objection to this provision being eliminated.

THE CHAIRMAN: Is there further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 2 to Committee Recommendation GP-13.

A vote Aye is a vote in favor of Amendment No. 2. A No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 104 votes in the affirmative and none in the negative, the motion is carried. The amendment is adopted.

Delegate Johnson, do you desire to offer your Amendment J?

DELEGATE JOHNSON: The mood seems to have shifted, Mr. President. Yes, I do.